

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : HON. PETER G. SHERIDAN  
v. : CRIMINAL NO. 07-56 (PGS)  
JOHN CAVALLI and :  
ALAN TUCHMAN : **CONSENT ORDER**

This matter having come before the Court on the joint application of Christopher J. Christie, United States Attorney for the District of New Jersey (by Lisa Rose, Assistant United States Attorney), defendant John Cavalli (by Michael Critchley, Esq.), and defendant Alan Tuchman (by Peter R. Willis, Esq.) for an order granting a continuance of trial date in this matter and designating this matter as complex pursuant to Title 18, United States Code, Sections 3161(h)(8)(B)(ii), and the defendants being aware that they have the right to have the matter tried within 70 days from the date on which the Grand Jury handed down an Indictment in this matter pursuant to Title 18, United States Code, Section 3161(c)(1); and for good cause shown:

1. This case is sufficiently complex, due to the nature of the prosecution, that it is unreasonable to expect adequate preparation for pretrial proceedings and trial within the time limits established by Title 18, United States Code, Section 3161;

2. The discovery in this case is voluminous, in that it involves, among other things, thousands of pages of documents and the reports and summaries of several experts in the health care field.

3. Given the nature of the investigation, time is needed, among other things, for the defendants to review discovery in this matter, and to determine whether or not to retain expert(s).

4. In light of the allegations, the defendants need time to investigate the charges.

5. In light of the discovery and depending upon the results of their respective investigations, each defendant will need time to determine whether or not to file motions in this matter and, if so, which motions should be filed.

6. In addition, plea negotiations are continuing, and both the United States and the defendants desire additional time to negotiate plea agreements, which would render any trial of this matter unnecessary.

7. In light of these findings, and given the nature of the case and its complexity, it is unreasonable to expect adequate preparation for pretrial proceedings or the trial itself within the time limits established under the Speedy Trial Act.

8. The defendants consent to the aforementioned continuance.

9. The grant of a continuance will enable counsel for the defendants to review discovery, prepare motions and proceed with trial.

10. Pursuant to Title 18, United States Code, Section 3161(h)(8), the ends of justice served by granting the

continuance outweigh the interests of the public and the defendants in a speedy trial.

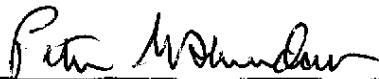
IT IS, therefore, on this 2nd day of July 2008,

ORDERED that the proceedings in this matter are continued 70 days from July 3, 2008 to September 11, 2008, and that the period of time from July 3, 2008 through September 11, 2008 shall be excluded for the purposes of computing time under the Speedy Trial Act pursuant to Title 18, United States Code, Sections 3161(h)(8)(A), (h)(8)(B)(ii), and (h)(8)(B)(iv); and it is further

ORDERED that:

1. Defendants shall provide reciprocal discovery to the Government, including but not limited to expert reports pursuant to Fed. R. Evid. 702, 703 and 705, on or before July 15, 2008;
2. Defendants shall file pretrial motions on or before August 1, 2008;
3. The Government shall respond to such motions on or before August 15, 2008;
4. The return date for pretrial motions and a status conference in this matter shall be held on September 4, 2008, at 12:00 PM and

5. The trial in this matter is scheduled for November  
12, 2008.

  
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HON. PETER G. SHERIDAN  
United States District Judge

I hereby consent to the form and entry of this Order:

  
\_\_\_\_\_  
Michael Critchley, Esq.

Dated:

  
\_\_\_\_\_  
Peter R. Willis, Esq.

Dated:

  
\_\_\_\_\_  
Lisa Rose, AUSA

Dated: 6-30-08

5. The trial in this matter is scheduled for November  
12, 2008.

HON. PETER G. SHERIDAN  
United States District Judge

I hereby consent to the form and entry of this Order:

Michael Critchley, Esq.

Dated:

Peter R. Willis

Peter R Willis, Esq.

Dated: 6/30/08

Lisa Rose

Lisa Rose, AUSA

Dated: 7/1/08